

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JONATHAN VOORHIS,**  
**Plaintiff,**

**V.**

**LT. LINDSEY, et al.,**  
**Defendants.**

**C.A. No. 23-93 Erie**

**District Judge Susan Paradise Baxter**  
**Magistrate Judge Richard A. Lanzillo**

## MEMORANDUM ORDER

Plaintiff Jonathan Voorhis, a former inmate at the Erie County Prison in Erie, Pennsylvania (“ECP”),<sup>1</sup> initiated this action by filing a *pro se* civil rights complaint against multiple individuals employed at ECP identified as: Lt. Lindsey, Nurse Lindsey, C.O. Amann, C.O. Cruz, C.O. White, Counselor Wagner, Counselor Billie, Captain Bolt, and Warden Kevin Sutter, as well as two unnamed Defendants identified as John Doe 1 and John Doe 2. This matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Plaintiff's complaint alleges an Eighth Amendment claim of excessive use of force against Defendant Lt. Lindsey; an Eighth Amendment deliberate indifference to serious medical needs claim against Defendants Nurse Lindsey, Amann, Cruz, White, and Lt. Lindsey; a sexual harassment and abuse claim against Defendants Lt. Lindsey, Cruz, White, and the two John Doe

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Plaintiff was subsequently incarcerated at the State Correctional Institution at Frackville, Pennsylvania, before being released on parole on or about June 7, 2024 [ECF No. 54]. Plaintiff currently resides at his home address in Erie, Pennsylvania.

Defendants; a state law claim of intentional infliction of emotional distress claim against Defendants Lt. Lindsey and White; and supervisor liability claim against Defendants Counselor Wagner, Counselor Billie, Captain Bolt, and Warden Sutter.

On November 17, 2023, Defendants filed a motion to dismiss complaint and to strike language concerning sexual abuse or, in the alternative, motion for more definite statement [ECF No. 47]. The motion was fully briefed by the parties.

On July 29, 2024, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Defendants' motion to dismiss be denied as to Plaintiff's Eighth Amendment excessive use of force claim against Defendant Lt. Lindsey, but granted in all other respects and that all claims, other than the Eighth Amendment excessive use of force claim against Lt. Lindsey, be dismissed with prejudice [ECF No. 55]. Objections to the R&R were due to be filed by August 15, 2024; however, no objections have been filed.

After *de novo* review of the complaint and documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 19th day of August, 2024;

IT IS HEREBY ORDERED that Defendants' motion to dismiss complaint and to strike language concerning sexual abuse or, in the alternative, motion for more definite statement [ECF No. 47] is DENIED as to Plaintiff's Eighth Amendment excessive use of force claim against Defendant Lt. Lindsey, but is GRANTED in all other respects, such that all claims other than the Eighth Amendment excessive use of force claim against Defendant Lt. Lindsey are DISMISSED with prejudice. Accordingly, the Clerk is directed to terminate all Defendants other than Lt. Lindsey from this case. The report and recommendation of Chief Magistrate Judge Lanzillo,

issued July 29, 2024 [ECF No.55], is adopted as the opinion of the court.

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
Chief U.S. Magistrate Judge

all parties of record